UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,938	01/26/2001	Mark Alexander Barros	PT03398U	6144

7590 08/13/2004	**EXAMINER**
Motorola, Inc.	TO, BAOQUOC N

Motorola, Inc.
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ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	09/769,938	BARROS ET AL.
	Examiner	**Art Unit**	
	Baoquoc N To	2172	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☒ The period for reply expires <u>4</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

   5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *Please see attachment* .

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, ~~the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended~~.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.
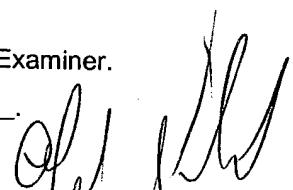
   Claim(s) objected to: _____.

   Claim(s) rejected: *1-24*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

ALFORD KINDRED
PRIMARY EXAMINER

BEST AVAILABLE COPY

The applicant argues "above noted sections do not even come close to disclosing sorting according to proximity of a related zone of data records in relation to a determined position of a user. In particular, even if any sorting were performed, all of the steps disclosed in the noted sections are performed at a home desktop. Thus, the sorting cannot be performed in a relation to a determined position to the user. More particularly, col. 44, lines 28-11only discloses "the system that performs database searching and sorting is only disclosed as located on a desktop computer, not on a device that can determine the position of a user within a zone. More particularly, searching and sorting is performed at a desktop computer prior being loaded into a portable device (col. 6, lines 2-6, lines 50-53, lines 58-61, col. 6, lines 64-col. 7, line 4). Additionally, col. 41, lines 52-60 expressly disclose the routing alleged by the Office Action is performed on a desktop, which would not bother determining the position of a user and sorting in relation to the position, because the position is always stationary. Thus, the above noted sections do not even come close to disclosing sorting according to proximity of a related zone of data records in relation to a position of user."

The examiner disagrees with the above argument. As previously discussed in the Final Office Action, the examiner explained the user location is the POI wherein the POI is the location of user want to be and retrieve the information relating to the POI. In addition, the "not on a device that can determine the position of a user within a zone" is not claimed. Furthermore, the applicant also submits the system that performs database searching and sorting is only disclosed as located on a desktop computer. This is a conventional method; the examiner suggests the applicant to incorporate the

language into the claims. The POI is the location of user; therefore, in order to determine the information need to be retrieved by the POI, the POI location need to be determined.

The applicant also argues "stilp does not disclose using a trigger to sort data based on a location."

The examiner respectfully disagrees with the above argument. Stilp suggests "Location Record Grouping, Sorting, and Labeling—The Wireless Location System include means to post process the location record for certain requesting application to group, sort, or label the location records" (col. 49, lines 49-52). The position information is the location records and these records are being sorted. In addition, the applicant also argues "there is no motivation to combine Stilp and Wakabayashi." The examiner respectfully disagrees because sorting by the zone or zip code is taught by Wakabayashi. Mail is considered to be information. It is a conventional method of organizing the information for the purpose of aid of delivering. It is the same purpose to organize the data for requesting application (col. 49, lines 49-52). Therefore, based on the same purpose of organizing the data for requesting application, the combination is needed. The applicant also argues "how physical mail is equivalent to the database records and the Office has provided absolutely no evidence to support this allegation." The examiner brought to the applicant in the final office action as an example that the sorting mail or e-mail by zone is a conventional method which known by the skill in the art. The examiner do not try to introduce new ground of rejections.

The applicant also argues "there is absolutely no disclosure in Delorme of sorting according to proximity of a related zone of data records in relation to the position of a user."

The examiner respectfully disagrees the above argument. As previously discuss, the POI is the user location wherein the retrieved information based on the POI is sorted.